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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,134	02/22/2000	ROLAND HETTRICH	P991135	1794

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EXAMINER

DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/486,134	HETTRICH ET AL. <i>(initials)</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Prabodh M Dharia	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 August 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

1. **Status:** Receipt is acknowledged of papers August 28, 2002 submitted under Amendments and new claims which have been placed of record in the file. Claims 7-18 are pending in this action.

***Information Disclosure Statement***

2. The reference cited on 1449 (EP 0037489, EPO734009 A2, JP 04-124612) are not considered by the examiner, because there is no English translation.

3. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a **statement that the substitute specification contains no new matter;** and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. In claim 7 line 5, and in claim 13, line 5, the phrase “an average value of a value interval” What an average value of a value interval applicant is referring to? What average value is applied ? also, claim 7 line 6, the phrase “a momentary value” is not clear. What momentary value applicant is referring to? Does “a value interval” means, value retrieved over the predefined period of time? Does “a momentary value” means, value retrieved at any particular moment and what is that particular moment?

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7,8,12,13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (5,515074) in view of Curt et al. (6,360,177 B1).

Regarding Claim 7, Yamamoto teaches an apparatus having a readjustment mechanism for readjusting at least one operating parameter of the apparatus (Col. 1, Line 55 to Col. 2, Line 6), the apparatus comprising: a memory (Col.2, Lines 11-14); means for storing a value of the value interval (Col. 2, Lines 65-67) in the memory ( Col.2, Lines 11-14); and means for overwriting the stored average value of the value interval with a momentary value of the operating parameter (Col. 2, Lines 4-6) wherein, following a renewed readout of the stored average value of the value interval, momentary value of the operating parameter defines a

position of the value interval (14 of figure 1, Col. 3, Lines 1-17, Col. 1, Line 55 to Col. 2, Line 6).

However, Yamamoto fails to teach a parameter's average value of the value interval.

However, Curt et al. teaches a parameter's average value of the value interval (Col. 2, Lines 21-26, Col. 15, Line 28 to Col. 17 Line 64).

Thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Curt et al. in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claim 8, Yamamoto teaches, a factory set average value of the value interval, is additionally stored and wherein a factory set average value of the value interval can be written the momentary value of the operating parameter such that, following a renewed readout of the stored average value of the value interval, the average value of the value interval, factory set average value defines the position of the value interval (Col.3, Lines 31-41).

Regarding Claim 12, Yamamoto teaches when the apparatus is turned off, the stored averages are overwritten with momentary values of corresponding operating parameters such that the values are read out as new averages when the apparatus is turned back on (Col.4, Lines 16-31).

Regarding Claim 13, Yamamoto teaches an apparatus having a readjustment mechanism for readjusting at least one operating parameter of the apparatus, the apparatus comprising: a

memory (Col.2, Lines 11-14); means for storing an average value of a value interval in the memory (Col.2, Lines 11-14); and means for overwriting the stored average value of a value interval with a momentary value of the operating parameter wherein, following a renewed readout of the stored average, the new momentary value defines a position of the value interval (14 of figure 1, Col. 3, Lines1-17) although Yamamoto fails to teach specifically about an apparatus with micro-processor compute an average of a value interval.

However Curt et al. does teach an apparatus with Micro-processor (abstract, Col. 2, Lines 21-23) and that an apparatus with Micro-processor does calculate the average value of a value interval (Col. 6, Lines 6-58, Col. 15, Line 28 to Col. 17, Line 64).

Thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Curt et al. in Yamamoto teaching for maintaining a good display image with environmental changes and aging of the apparatus.

8. Claims 9-11, 14-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (5,515074) in view of Curt et al. (6,360,177 B1) as applied to claims 7,8,12,13, above and further in view of Trundle (TV and Video Technology pages 117-121).

Regarding Claims 9, Yamamoto modified by Curt et al. teaches the operating parameter to be readjusted although Yamamoto modified by Curt et al. does not teach operating parameter is a supply voltage of a display device of the apparatus.

However Trundle does teach about operating parameter is a supply voltage (page 119, Lines 24,25) of a display device of the apparatus (figure 8.10, page 117, paragraph 4, Lines 1,2), thus it would have been obvious to one in ordinary skill in the art at the time of invention

was made to incorporate the teaching of Trundle in Yamamoto modified by Curt et al. teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claims 10,11, Yamamoto modified by Curt et al. teaches a display device, although Yamamoto modified by Curt et al. fails to teach about a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment.

However Trundle does teach a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage ( page 119, Lines 24-28) of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment (figure 8.10, page 117, paragraph 4, Lines 1,2, page 119, Lines 24-28), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto modified by Curt et al. teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claim 14, Yamamoto teaches storing an average set at the factory, overwriting the stored average with the average set at the factory; and defining the position of the value interval by the average set at the factory following a renewed readout of the stored averages (Col. 2, Lines 65-67).

Regarding Claim 15 Yamamoto modified by Curt et al. teaches the operating parameter to be readjusted although Yamamoto modified by Curt et al. does not teach operating parameter is a supply voltage of a display device of the apparatus.

However Trundle. does teach the operating parameter is a supply voltage of a display device of the apparatus (page 119, Lines 24-28), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to incorporate the teaching of Trundle in Yamamoto modified by Curt et al. teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claims 16,17, Yamamoto modified by Curt et al. teaches the operating parameter to be readjusted although Yamamoto modified by Curt et al. does not teach a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment.

However Trundle does teach a test image to be displayed on the display during the readjustment, wherein the influence of the readjustment of the supply voltage of the display device can be observed by a user during the readjustment and the test image shows areas of different colors during the readjustment, where chromatic values are modified by the readjustment (figure 8.10, page 117, paragraph 4, Lines 1,2, page 119, Lines 24-28), thus it would have been obvious to one in ordinary skill in the art at the time of invention was made to

incorporate the teaching of Trundle in Yamamoto modified by Curt et al. teaching for maintaining a good display image with environmental changes and aging of the apparatus.

Regarding Claim 18, Yamamoto teaches when the apparatus is turned off, the stored averages are overwritten with momentary values of corresponding operating parameters such that the values are read out as new averages when the apparatus is turned back on (Col.4, Lines 16-31).

#### *Response to Arguments*

9. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).
  
10. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, "it is well known to one of ordinary skill in the art that an apparatus with Micro-

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processor does calculate the average value of a value interval" was not recited for rejection as Yamamoto.

11. In response to applicant's argument that the teachings of Yamamoto and Trundle are combined, they nonetheless fail to teach or suggest each and every element of the claimed invention, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

12. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

13. Applicant's arguments filed August 28, 2002 have been fully considered but they are not persuasive.

Applicant argues the rejection of claims 7, 8, and 12, that it is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference. Verdegall Bros. v. Union Oil Co. Of California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." Richardson v. Suzuki Motor Co., 868 f2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See also MPEP 2131. In the present case, Yamamoto does not disclose every element of claims 7, 8, and 12. Therefore, the claims cannot be anticipated.

Examiner disagrees, as the Claim 7-18 are basically claiming alteration of the parameter or readjusting of parameter on the basis of environmental changes related to age of the display directly or indirectly. Density is the parameter of the display controlling not only the resolution but also the image quality. Yamamoto does teach the density (parameter) of the display adjusting and readjusting using predetermined period and CPU with memory (Col. 1, Line 55 to Col. 2, Line 6, Col. 2, Lines 65-67).

Applicant argues Yamamoto does not teach means for storing an average value of a value interval in the memory, and means for overwriting the stored average value of the value interval with a momentary value of the operating parameter.

Examiner disagrees Yamamoto combine with Curt et al. does teach means for storing an average value of a value interval in the memory, and means for overwriting the stored average value of the value interval with a momentary value of the operating parameter. (Yamamoto, Col. 1, Line 55, to Col. 2, Line 6, Col. 2, Lines 65-67, Curt et al. Col. 6, Lines 6-58, Col. 15, Line 28 to Col. 17, Line 64).

Applicant argues Yamamoto or Curt et al. do not teach establishing a moving window based on an average value of the value interval stored in a memory, and overwriting the stored average value with a momentary value such that the momentary value becomes the new average value of the displaced interval.

Examiner disagrees as a moving window based on an average value of the value interval stored in a memory, and overwriting the stored average value with a momentary value such that the momentary value becomes the new average value of the displaced interval is not in the claim discussed above.

Also, CPU are well known to manipulate any data over predetermined period to achieve a parametric goal (Curt et al. 6,360,177 B1, Col. 2, Lines 7-14, Lines 23-33, Col. 15, Lines 28-39, Col. 16, Lines 34-67). Also, pre manipulated value could be stored in the memory and could also be altered and restored (Curt et al. 6,360,177 B1, Col. 16, 39-45).

Applicant argues the teaching of Yamamoto with that of Trundle, does not answer Yamamoto's failure to disclose means for storing an average value of a value interval in the memory, and means for overwriting the stored average value of the value interval with a momentary value of the operating parameter wherein, following a renewed readout of the stored average value of the value interval, the momentary value of the operating parameter which has been written over the stored average value of the value interval defines a position of the value interval, as discussed above.

Examiner disagrees as the adjustment and readjustment of the parameters of display using CPU and memory are not only taught by Yamamoto Combine with Curt et al. and Trundle, but they are also well known.

Yamamoto combined with Curt et al. teaches the adjustment and readjustment of the parameters (density) of display using CPU and memory with predetermined value and predetermined interval (Yamamoto, Col. 1, Line 55 to Col. 2, Line 6, Col. 2, Lines 65-67) and means for storing an average value of a value interval in the memory, and means for overwriting the stored average value of the value interval with a momentary value of the operating parameter wherein, following a renewed readout of the stored average value of the value interval, the momentary value of the operating parameter which has been written over the stored average value of the value interval defines a position of the value interval, (Yamamoto, Col. 1, Line 55, to Col. 2, Line 6, Col. 2, Lines 65-67, Curt et al. Col. 6, Lines 6-58, Col. 15, Line 28 to Col. 17, Line 64).

Trundle teaching, as they have been implemented with wire less remote and manually using display panel of CRT monitor and Tele-Vision (page 116,117,118,119).

Similarly teaching of adjusting and readjusting of the display parameters are also taught using microprocessor or similar CPU (Prompt publication, Trouble shooting of TV display Pages 132,133, 164) and well known (Webb et al. (6,151,018) Col. 1, Lines 30-37, Ciciora (3,962,722) Col. 1, Line 38 to Col. 2, Line 17).

CPU or microprocessor are also well known to manipulate any mathematical data (Essential Computer Mathematics, Seymour Lip Schultz, Pages 95, 96, 97, 294, 296,297).

*Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh Dharia whose telephone number is (703) 605-1231. The examiner can normally be reached Monday- Friday from 8:00 AM to 5:00 PM.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at (703) 305-4938. The fax number of the group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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